

Remarks

Claims 1 through 17 are currently pending in the application. Claims 1-6, 11-12 and 17 are being cancelled by this Amendment. Claims 7 and 8 are being amended by this Amendment. New claims 18-25 are being added.

Claims 1-6 (now cancelled) were directed toward the embodiment illustrated in FIG. 2 of the application which illustrates one embodiment of the invention as comprising two vertically stacked chambers (10, 12) separated by valve (11), wherein the waste fluid would flow by gravity from the upper collection chamber (10) to the lower measuring chamber (12) upon opening of a first valve (11). The waste fluid would then be permitted to drain out of the lower measuring chamber (12) by gravity flow after the measuring cycle was completed upon opening of the second valve (13).

Amended independent claim 7, on the other hand, is directed toward the embodiment illustrated in Figure 2A of the application. Figure 2A illustrates an embodiment of the invention that comprises a separation chamber (9') and holding chamber (10') in direct fluid communication via an outlet pipe (not numbered) extending between and connecting the bottoms of the chambers (9', 10') (there being no intermediate valve separating the chambers as in Figure 2). Additionally, the same negative pressure is maintained between the chambers (9', 10') by a pressure equalization pipe (not numbered) extending between and connecting the tops of the chambers (9', 10'). Negative pressure is maintained in the separation chamber (9') and holding chamber (10') via the vacuum source (not numbered) connected to the separation chamber (9') by suction line (9A).

§ 102 Rejections

The Office rejected claims 1-13 and 17 under 35 U.S.C. § 102(b) as being anticipated by Bradbury et al. (US Patent No. 5,714,238) (hereinafter Bradbury '238). The Office's rejection of claims 1-6 are moot in view of the cancellation of those claims.

Bradbury '238 discloses a fluid collection system that utilizes two separate and distinct fluid waste receiving assemblies 10, 10'. Col. 3, lines 38-45. Each assembly (10, 10') has its own fluid holding vessels (20, 20') with its own level sensor (34, 34') to sense the fluid level in the respective vessels (20, 20'). The two identical assemblies serve to provide redundancy so that if the first tank (20) reaches capacity during a medical operation, the second tank (20') is available for use. As disclosed Bradbury '238, if one tank (20) becomes filled, it is necessary to halt the medical procedure, unplug the flexible tubing (i.e. suction hoses) attached to the first tank's fittings (12, 14), and then re-attach the hoses to the fittings (12', 14') of the second tank (20'). See, e.g., Col. 4, lines 5-7 ("Before the level of the fluid reaches the lowermost surface of the inlet tube 16, 18, the collection of the fluid waste[] is terminated."); Col. 4, lines 44-48 ("When the tubes are disconnected from the collection system 10, they may be reconnected immediately to collection system 10' for the collection of further fluids, unless system 10' is already connected to other sources of [sic (or)] fluid waste is at capacity.").

Additionally, Bradbury '238 specifically teaches terminating the suction/negative pressure when the collection tank becomes filled. See e.g., Col. 4, lines 9-11 ("an electronic control 40, among other operations, terminates venting/suction when the vessel 20 becomes filled."). Further, the recordation of the waste fluid volume in the collection tank is only recorded after the suction force has been terminated and the measuring cycle begins. See Col. 4, lines 20-34 ("When the full capacity is reached, the comparator starts an off or termination

sequence processor 56 If the system is connected with a vacuum source, this terminates the draw of vacuum source. . . . The off sequence processor communicates the level, time and other termination sequence information to the history memory 46).

Furthermore, as disclosed in Bradbury '238, after the suction force has been terminated, the flexible hoses removed from the fittings, and after the volume of waste fluid in the holding tank has recorded, the waste fluid is released from the tank by manually opening a valve which allows the waste fluid to flow from the tank under gravity (i.e., Bradbury '238 does not disclose the use of a pump to pump out the waste fluid from the tanks (20, 20')). See Col. 4, lines 34-43 ("A manually operated valve 64 is selectively operated by the attendant after the inlet ends of the flexible tubing have been disconnected from the source of the fluid waste. Opening valve 64 again vents the vessel 20 to atmosphere, allowing the residual pressure in the lines and the inlet tube 16, 18 to be safely relieved to atmosphere. The inlet fittings 22 [sic (14)] and 12, are physically positioned at a higher elevation than the top of the vessel 20 such that gravity causes any remaining fluids therein to flow into the vessel 20.").

Thus, Bradbury '238 fails to disclose an apparatus comprising a "pump disposed to pump . . . waste fluid from [a] holding chamber" as claimed in amended claim 7. Bradbury '238 also fails to disclose pumping the waste fluid "through [an] outlet while maintaining . . . negative pressure in [the] separation chamber" as now claimed in amended claim 7. Additionally, Bradbury '238 fails to disclose "a first sensor electrically coupled to [a] pump disposed to detect when [the] waste fluid reaches a predetermined high level in [the] holding tank" as claimed in amended claim 7. Additionally, Bradbury '238 fails to disclose that the pump "is activated to begin pumping said waste fluid from said holding chamber through said outlet" as claimed in amended claim 7. Additionally, Bradbury '238 fails to disclose "a second sensor coupled to said pump and disposed to detect when said waste fluid reaches a predetermined low level in said

holding chamber, whereupon said pump is deactivated" as claimed in amended claim 7.

Additionally, Bradbury '238 fails to disclose a microprocessor "programmed to determine and record a volume of waste fluid pumped through said outlet by said pump" as claimed in amended claim 7.

Because Bradbury '238 fails to disclose each and every limitation of claim 7 (as amended) as identified above, the Office's 102 rejection of claim 7 based on Bradbury '238 should be withdrawn. Likewise, because claims 8-10 and 13 ultimately depend from claim 7 the Office's 102 rejections of those claims should likewise be withdrawn. Claims 11 and 12 have been cancelled, and therefore the Office's rejection of those claims are moot.

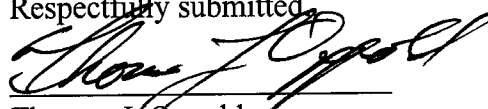
§ 103 Rejections

The Office rejected claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Bradbury '238 in view of Sagona et al. In support of its rejection, the Office asserts that Bradbury '238 discloses the invention of claims 14-16 except for a key pad or bar code reader. In view of the amendments to claim 7, the Office's assertion with respect to Bradbury 238 is no longer sound, and therefore, the Office should withdraw its 103 rejection of claims 14-16.

Based on the foregoing, it is submitted that amended claims 7-10 and 13-16 and 18-25 are in a condition for allowance and therefore Applicant respectfully requests the Office to timely issue a Notice of Allowance.

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Respectfully submitted,



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